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January 30, 2018

Mark Langer, Clerk
United States Court of Appeals for the
District of Columbia Circuit
333 Constitution Ave., N.W.
Washington, D.C. 20001

Re: Notice of Unavailability of Counsel
*American Society for Testing and Materials et al. v. Public.Resource.Org.
Inc.*, Case No. 17-7035 and *American Educational Research Association et
al. v. Public.Resource.Org., Inc.*, No. 17-7039

Dear Mr. Langer:

I am counsel of record and will be arguing counsel for Appellees American Educational Research Association, Inc., American Psychological Association, Inc., and National Council on Measurement in Education, Inc. in the above-captioned case. I write to inform the Court that I will be unavailable for oral argument March 19-30, 2018.

Respectfully submitted,

/s/ Clifton S. Elgarten
Clifton S. Elgarten

cc: All Counsel via CM/ECF